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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/08/2001

Michael Tolson

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07/29/2008

Mr. Christopher John Rourk  
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EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/852,979	<b>Applicant(s)</b> TOLSON, MICHAEL	
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5-16-08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

This Office Action is in response to a communication made on May 16, 2008.

Claims 1-6 and 10 have been cancelled.

Claims 13-21 have been newly added.

Claims 7-9 and 11-21 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 7-9 and 11-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Frano (6,687,745).**

**Regarding claim 11**, Franco teaches a method of providing interactive bi-directional connections between a business contact and a client comprising:

providing a persistent interactive graphic object configured to establish an interactive, bi-directional connection between said client and a business contact (Col. 8, lines 37-55; Col. 11, lines 10 – 13);

providing, as part of said graphic object, at least one function that can be performed by said client (Col. 19, lines 35 – 49); and

transmitting information from said business contact to said persistent interactive graphic object (Col. 10, lines 30 – 34).

**Regarding claim 12**, Franco teaches a computer based method for providing interactive bi-directional communication between a business contact and a client comprising:

providing to a client a persistent interactive graphic object configured to establish contact between said client and business contact (Col. 8, lines 37-55; Col. 11, lines 10 – 13); and

wherein said interactive object is capable of interfacing with at least two computer programs on a single computer (Col. 10, lines 30 – 34).

**Regarding claim 16**, Franco a computer based method for providing a communications link between a business and a customer comprising the steps of:

providing a persistent graphic interactive object (Col. 8, lines 37-55; Col. 11, lines 10 – 13) that includes a tracking component (Col. 22, lines 24 – 33), a communications component (Col. 28, lines 58 – 60), and a security component (Col. 25, lines 28-65; Col. 26, lines 14-22) on a host computer;

allowing said customer to download said graphic object to a customer computer (Col. 19, lines 35 – 40);

displaying said graphic object for customer to view (Col. 14, line 62 – Col. 15, line 12);

linking said host computer to said customer computer via said graphic object (Col. 10, lines 30 – 34); and

establishing bi-directional communication with said customer using said link (Col. 8, lines 37-55; Col. 11, lines 10 – 13).

**Regarding claim 7**, Franco teaches the method according to claim 11, wherein at least one function provided as part of said object includes electronic messaging with said business contact (Col. 28, lines 58 – 60).

**Regarding claim 8**, Franco teaches the method according to claim 11, wherein said object can be relocated to a desktop (Col. 14, line 62 – Col. 15, line 12).

**Regarding claim 9**, Franco teaches the method according to claim 8, wherein said object on a desktop remains in communication with a server and may receive data from said server for updating messages, services, or links associated with said object (Figure 3).

**Regarding claim 17**, Franco teaches the method of claim 16 further comprising the step of allowing said customer to use a pre-existing program on said computer to communicate with said business (Col. 10, lines 5 - 16).

**Regarding claims 13 and 18**, Franco teaches the computer based method of Claims 12 and 17, wherein one computer program is an electronic mail program (Col. 19, lines 24 – 49).

**Regarding claim 14**, Franco teaches the computer-based method of Claim 12 wherein said graphic object is at least partially controlled by at least one other computer (Figure 3).

**Regarding claim 15**, Franco teaches the computer based method of Claim 13 wherein said at least one other computer can change content within at least one computer program (Figure 3).

**Regarding claim 19**, Franco teaches the method of Claim 16 wherein said communications component allows a business to automatically update content within a pre-existing program on said customer's computer (Col. 10, lines 5 - 16).

**Regarding claim 20**, Franco teaches the method of Claim 16 wherein said tracking component, communications component and, security component can be used interchangeably on a customer's computer (Col. 28, lines 25 – 38).

**Regarding claim 21**, Franco teaches the method of claim 17, wherein the step of linking at least two customer computers to each other via said host computer (Col. 26, lines 45 – 65).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/  
Primary Examiner, Art Unit 2153